

49-0-94

AN ORDINANCE

AUTHORIZING THE ALLOCATION OF CERTAIN FUNDS
FOR ART IN THE CONSTRUCTION OF PUBLIC
BUILDINGS AND CREATING A
PUBLIC ART COMMITTEE

WHEREAS, the City Council of the City of Evanston on April 9, 1991, adopted Ordinance 112-0-89 which authorized the allocation of certain funds for art in the construction of public buildings and created a Public Art Committee; and

WHEREAS, Section 2 of Ordinance 112-0-89 reads as follows:

Section 2: That unless the City Council shall have voted affirmatively, three (3) years from adoption of Ordinance 112-0-89, to continue in full force and effect the provisions of Chapter 16 of Title 7 of the Evanston City Code, said Chapter 16 shall be deleted from the City Code three (3) years from the adoption of Ordinance 112-0-89.

;and

WHEREAS, by operation of Section 2 of Ordinance 112-0-89, said ordinance has been deleted from the City Code

WHEREAS, the City Council has determined that additional time is necessary to consider whether to continue in full force and effect the provisions of Ordinance 112-0-89 as set forth in Chapter 16 of Title 7 of the Evanston City Code; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That Title 7 of Code of the City of Evanston as amended is hereby further amended by adding the

following Chapter 16 "Exhibit A" attached hereto and incorporated herein by reference.

SECTION 2: That unless the City Council shall have voted affirmatively, ninety (90) days from adoption of Ordinance 112-0-89, to continue in full force and effect the provisions of Chapter 16 of Title 7 of the Evanston City Code, said Chapter 16 shall be deleted from the City Code ninety (90) days from the adoption of Ordinance 112-0-89.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced May 9, 1994

Adopted: May 9, 1994

Approved: May 12, 1994

Lorraine H. Murton
Mayor

ATTEST:

Dustin Dennis
City Clerk

Approved as to form:

[Signature]
Corporation Counsel

CHAPTER 16
WORKS OF ART'

SECTION:

7-16-1:	Purpose
7-16-2:	Definitions
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7-16-6:	Arts Council Authority
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7-16-1: **PURPOSE:** The City Council acknowledges that works of art enhance the visual and sensual environment in the City, contributing thereby to the quality of life in the City. Works of art accessible to the public also stimulate the economy of the City. The City Council therefore acknowledges and adopts as public policy for the City an undertaking to provide works of art in public places and facilities to an extent which is reasonable and proper using available public and private funds and in accord with a public process. Thus the purpose of this Chapter shall be as follows:

- (A) To provide a process by which the City shall acquire and maintain works of art, including but, not limited to, commissioning works of art.
- (B) To identify and administer a Public Art Fund for acquisition, maintenance and disposition of works of art.
- (C) To establish and administer a Public Art Plan and a public art program.
- (D) To dispose of works of art.

7-16-2: **DEFINITIONS:** The following definitions shall pertain to this Chapter:

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1. Unless the City Council shall have voted affirmatively, three (3) years from adoption of Ordinance 112-0-89, to continue in full force and effect the provisions of Chapter 16, Title 7 of the Evanston City Code, said Chapter 16 shall be deleted from the City Code three (3) years from the adoption of Ordinance 112-0-89. Ordinance 112-0-89 was adopted April 9, 1991.

ARTS COUNCIL	The Evanston Arts Council.
CITY ART COLLECTION	All works of art which are owned and maintained by the City of Evanston, pursuant to this Chapter.
COMMITTEE	The Public Art Committee of the Evanston Arts Council, established as a permanent body of the Arts Council acting in an advisory capacity to the Arts Council and City Council, with membership appointed by the Mayor.
CONSTRUCTION PROJECT	Any capital project at least fifty percent (50%) of the cost of which is paid by the City of Evanston which results in the construction of a new building having one or more floors and wherein the cost of construction exceeds one million dollars (\$1,000,000.00).
PUBLIC ART PROJECT	Any single project identified in the Public Art Plan and involving the policies and procedures of the public art program which results or may result in the installation of a work of art as part of the City art collection.
PUBLIC ART PROGRAM	The written policies and procedures which provide for the systematic recommended collection and recommended expenditure of public funds and funds donated to the City for the purchase of works of art; the maintenance of works of art for a public art project; the administration of the Public Art Plan for which designated funds are being deposited into the interest-bearing Public Art Fund; and the disposition of works of art.
PUBLIC ART FUND	A dedicated interest-bearing account within the City General Fund into which shall be deposited all art funding authorized by this Chapter together with other monies as the City Council shall authorize for works of art as well as funds contributed to the City for works of art.
PUBLIC ART PLAN	The written plan outlining all proposed public art projects coincident with and as an adjunct to the Capital Improvements Plan of the City of Evanston including the location, budget, projected selection process and other factors established by the public art program for each public art project.
WORKS OF ART	All forms of original, artist-produced creations of visual art, including but not limited to sculpture,

Works of Art (cont.)

murals, mosaics, paintings, earthworks, etc. Not included in this definition are reproductions of original works of art; decorative, ornamental or functional elements which are designed by a building architect; mass produced objects; and directional or other functional elements, such as supergraphics, signing, color coding and maps, except where an artist is employed.

7-16-3: **PUBLIC ART FUND:** There is hereby created and established a dedicated interest-bearing account designated the Public Art Fund, within the General Fund into which shall be deposited monies described in this Chapter, other monies as the City Council shall designate, and such contributions, gifts and grants from individuals, groups and corporations as may be voluntarily contributed for public art projects. Contributions, gifts and grants to the City deposited into the Public Art Fund shall be administered according to the public art program and Public Art Plan. Contributions, gifts and grants may be used as part of the total allocation for public art projects associated with specific construction projects. Monies from the Public Art Fund shall be expended for the selection, acquisition, installation, display, maintenance and disposition of works of art for any public art project and for the administration of the public art program and public art plan. Administrative costs associated with the public art program should be budgeted from nonCity funds whenever possible.

7-16-4: **PUBLIC ART COMMITTEE:**

- (A) **Composition; Appointment; Qualifications:** The Mayor shall appoint, with approval of the City Council, a standing committee of nine (9) members. Members of the Public Art Committee shall reside or work in Evanston. The Committee shall include at least five (5) arts professionals as well as representatives from the fields of architecture, landscape architecture, city planning, and/or engineering. Appointees shall have knowledge of contemporary public art, architecture, land use and city planning, and the Evanston community. From time to time, department heads from other City departments, agencies, and from other boards and commissions shall be asked to serve as advisors to the Public Art Committee on an interim basis when a public art project involving their particular department or agency is anticipated. A member of the Arts Council shall be appointed as one of the nine (9) Committee members by the Mayor to serve as chair of the Committee.
- (B) **Terms of Office; Vacancies:** All appointees to the Committee shall serve terms of three (3) years or until their successors are appointed and confirmed; provided, however, that initially, three (3) members shall be appointed for terms of one year; three (3) members shall be appointed for terms of two (2) years; and three (3) members shall be appointed for

- B) terms of three (3) years. Members of the Committee shall not serve for more than two (2) full terms, and vacancies shall be filled for the remaining portion of a vacant term by the Mayor with approval of the City Council. All members shall serve as volunteers.
- (C) Functions: The Public Art Committee will operate as a standing Committee of the Arts Council. The primary purpose of the Committee is to prepare and administer the public art program, the Public Art Plan and public art projects under the direction of the Arts Council and pursuant to approval of the City Council. Functions further include, but are not limited to:
1. Developing of a public art program and a Public Art Plan, with assistance and guidance from the Planning Department and other departments responsible for specific construction projects. The Public Art Plan, reviewed and revised annually, will include a plan for the development of a public art project or projects for each construction project.
 2. Recommending specific guidelines for public art projects to include:
 - a. Process for community participation in all phases of the public art project including site selection, artist selection and dedication.
 - b. Contractual details for the commissioning or purchase of works of art.
 - c. Projected time line for each public art project.
 3. Reviewing design, execution and installation of works of art for public art projects.
 4. Advising private developers on the need for works of art in settings accessible to the public.
 5. Overseeing the process as part of the public art program for the removal and deaccessioning of works of art from the City art collection.

7-16-5: **PUBLIC ART PROJECTS:** Beginning in fiscal year 1991-92 for the City, the Committee, with advice and consent of the Arts Council, shall prepare a public art program and a Public Art Plan. The Public Art Plan shall include an identification of known, projected and recommended public art projects. All construction projects shall have recommended public art project or Projects associated therewith which shall be included in the Public Art Plan. The funds from public revenue sources for each public art project associated with each construction project shall be limited to no more than one percent (1%) of the cost of any such construction project as estimated in the most recent Capital

Improvements Plan of the City. The total estimated cost of any construction project hereunder shall exclude amounts for real property acquisition, demolition, furniture, financing costs, streets, sewers and infrastructure construction, if any. The total estimated cost of a construction project for which funding is determined for each public art project shall include actual construction costs, architectural design fees, construction management costs and code-related fixtures and systems integral to the construction project.

7-16-6: ARTS COUNCIL AUTHORITY: To carry out its responsibilities hereunder, the Arts Council shall:

- (A) Administer the Public Art Committee and assist the Committee to develop and recommend policies, guidelines and processes for the implementation of the public art program. Policy issues shall include but not be limited to the following:
1. Additional qualifications for future appointments to the Committee.
 2. Method of selection of artists and art for each public art project.
 3. Incentives for the inclusion of works of art in private developments.
 4. Maintenance and conservation of works of art.
 5. Safety and liability related to public art projects.
 6. Deaccessioning and removal of works of art where necessary.
 7. Acquisition of private funding, gifts, exhibits and loan of works of art.
- (B) Direct the Public Art Committee to develop a Public Art Plan in concert with the most recent Capital Improvements Plan.
- (C) Review, revise as appropriate, and recommend for adoption by the City Council, upon receipt from the Committee, the adoption of a public art program and a Public Art Plan; funding of public art projects; selection of artists and/or works of art for public art projects; allocation of payments for the design, execution and placement of works of art; and, such other acts consistent with this Chapter.

7-16-7: PUBLIC ART COORDINATOR: When funds are available and authorized by City Council, either as a portion of funding allocated through this Chapter or from private sources, the Arts Council shall employ a Public Art Coordinator to work closely with the Committee, other originating agencies and departments, private developers, and artists to manage details of contracts, specifications, time tables, fee schedules, and other aspects of public art projects. The Coordinator shall report to the Executive Director of the Arts Council. (Ord. 112-0-89)